

REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct:

Group I: Claims 17-26, drawn to a method for the synthesis of aminophosphine or aminophosphine halide compounds;

Group II: Claims 27 and 28, drawn to a method for removing acids from reaction mixtures comprising an auxiliary base by a process including a distillation step; and

Group III: Claim 29, drawn to a method for stopping acid-catalyzed reactions comprising forming immiscible liquid phases.

Applicants provisionally elect with traverse the invention of Group I, Claims 17-26, drawn to a method for the synthesis of aminophosphine or aminophosphine halide compounds.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions that this claims of the restricted groups are independent or patentably distinct. Process and means for carrying out said process, which is critical to the process *per se*, should be examined together. It is a technical relationship that involves the same features, and it is this technical relationship that defines the contribution which each of the groups taken as a whole makes over the prior art.

Process and the means critical to the process are considered related inventions under 37 C.F.R. § 1.475(b) and unity of invention between the groups exists.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Further, M.P.E.P. § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants submit that a search of all claims would not constitute a serious burden on the Office. In fact, the International Search Authority has searched all of the claims together. As the Office has not shown any evidence that restriction should now be required when the International Preliminary Examination Report did not, the restriction is believed to be improper.

For the reasons set forth above, Applicants request that the Restriction Requirement be withdrawn.

Applicants request that if the invention of Group I is found allowable, withdrawn Groups II and III (which include all the limitations of the allowable claims) be rejoined.

Further, Applicants reserve the right to file a divisional application on the non-elected subject matter, if so desired, and be accorded the benefit of the filing date of the parent application.

Applicants respectfully submit that the above identified application is now in condition for examination on the merits and an early notice of such action is earnestly solicited.


Respectfully submitted,

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